

And I ask unanimous consent that the detached document analyzing that article be added to the record.

SPECTER: Without objection, it will be made a part of the record.

KYL: And before the break, Senator Biden suggested that -- at least I understood him to suggest that there was no reason to belong to this organization CAP in 1985 because ROTC was safely on campus at that time.

Judge, let me ask you a question. Do you know what year you joined the CAP?

ALITO: I don't know, Senator. I've tried to wrack my memory about that.

But as I said, if I'd been active in my membership, I think I certainly would remember that.

ALITO: And if I had renewed the membership, I think I would remember that.

So my best reconstruction of this is it was probably sometime around the time when I wrote that statement.

KYL: Long after you were gone from the school?

ALITO: That's correct.

KYL: In that event, Mr. Chairman, I ask unanimous consent to include an article from a campus newspaper, The Princeton Packet, dated February 12, 1985, which expressly explains that ROTC was a core motivation behind the CAP in 1985.

SPECTER: Without objection, it will be made a part of the record.

KYL: Thank you, Mr. Chairman.

I noted with interest a comment that Senator Durbin made in his opening statement because it referred to a good friend and former colleague of ours, Senator Simon, who put forth a pretty good test about courts.

He said that the real test is, is the court restricting freedom or expanding it?